

Testimony of
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Good Morning Chairwoman Norton, Ranking Member Graves, and Members of the Subcommittee. I am David Maurstad, Assistant Administrator for Mitigation and Federal Insurance Administrator for the Federal Emergency Management Agency (FEMA) within the Department of Homeland Security.

I am pleased to be here to discuss national floodplain remapping, FEMA's Mapping Modernization Program, the impact of levees on remapping, and the National Flood Insurance Program. This hearing provides me the opportunity to update you on FEMA's progress in meeting Congressional intent that the Nation's flood map inventory be updated and modernized; to discuss the importance of accurately depicting levees on community flood maps; and to discuss the status of flood maps right here in our Nation's Capital.

The National Flood Insurance Program

Now in its 40th year, the National Flood Insurance Program (NFIP) is the country's largest single-peril insurance entity, with more than 5.5 million policyholders and over \$1 trillion in coverage. More than 20,400 communities across the country participate in the NFIP by adopting and enforcing floodplain management ordinances to reduce future flooding damage. In exchange, the NFIP makes federally backed flood insurance available to homeowners, renters and businesses in these communities. The NFIP is a solid, effective program that helps people and communities:

- Reduce their vulnerability to flooding,
- Recover faster after floods, and
- Protect their investments with a financial backstop.

Flood Insurance Rate Maps

FEMA's Mitigation Directorate is responsible for assessing the flood risks in our NFIP communities, and the data we collect is used to develop and maintain Flood Insurance Rate Maps – called FIRMs – that show these risks. FIRMs show the high flood-risk areas (Special Flood Hazard Areas, or SFHAs) where there is at least a one percent chance of flooding in a given year. However, property owners should not assume there is no risk of flooding just because their structures are located outside the SFHA. In fact, one third of all NFIP claims paid in an average historic loss year are for homes in low-risk areas. It is a requirement for structures located in SFHAs, if financed by federally regulated or federally insured lending institutions, to have flood insurance. In addition, Federal agencies that provide various forms of financial assistance for buildings in SFHAs must also require flood insurance. The maps also show low-to-moderate risk areas with a less than one percent annual chance of flooding.

The inventory of over 92,000 paper FIRMs has been a critical element of the NFIP, serving as a land-use planning and floodplain management tool for communities nationwide and helping the Program establish and maintain a fair and accurate insurance rating system. Because flooding is the Nation's most common natural hazard event – with erosion, land-use, and natural forces constantly changing water flow and drainage patterns – it is vitally important that these maps provide the most up-to-date, accurate flood risk data available. This is why the Flood Map Modernization (Map Mod) Program was established in 2003.

Flood Mapping Modernization Program

The Flood Mapping Modernization Program's mission is to help protect lives and property through modernized and easily maintainable flood hazard data for all NFIP communities. A collaborative effort among FEMA and its partners, Map Mod is combining historical and current data with state-of-the-art technology to replace paper FIRM panels with modern, digitized maps. These new digital FIRMs can clearly depict – faster and more accurately than ever before – the dynamic landscape conditions that affect important flood insurance and floodplain management decisions. Map Mod will give the NFIP and the Nation's communities a reliable planning and floodplain management resource for years to come. Just as importantly, FEMA will be able to quickly update digital FIRMs to clearly reflect changing conditions that impact flood risk, providing valuable support to the NFIP's continuing effort to accurately and fairly set flood insurance rates. Map Mod's digital products will serve as a vital foundation for local flood hazard awareness, land-use planning, floodplain management; evacuation planning, and flood insurance rating. FIRMs are used more than 30 million times a year by builders, lenders, realtors, insurance agents, community planners, local government officials, homeowners, and others.

Map Mod's objective – to map 65 percent of the Nation's land area, where 92 percent of the population lives – is within reach. FEMA has over 1,400 county-wide mapping projects underway in every region of the Nation. We anticipate hitting this target in 2010, with a full arsenal of state-of-the-art, digital maps that will reflect the most current data available about community floodplains, including areas situated behind levees.

Levee Accreditation

Accurately depicting areas impacted by levees is critical for FEMA and communities. The Agency estimates that nearly 1,050 (33 percent) of the 3,147 counties nationwide, and nearly 700 (22 percent) of the 2,424 counties being remapped in Map Mod have levees shown on their effective FIRM. Moreover, Map Mod is encountering communities that are not able to readily provide us with data about the design, construction, and operation of levees – including levees that were previously shown on FIRMs as protecting against the one-percent-annual-chance flood.

This is where I must underscore FEMA's role in the Nation's levee arena:

- We establish appropriate risk zone determinations and reflect these determinations on the FIRMs.
- We establish mapping standards, and we rely on levee owners and communities to provide the information we need to clearly represent, on FIRMs, the flood risks of areas behind levees.
- We do not implement or fund the design, construction, operation, maintenance, or certification of levee systems.
- We do not examine or evaluate levees.
- We do not determine how a structure or system will perform in a flood event.

What does FEMA do? We are charged with determining the appropriate flood risk designations for areas behind levees and accurately depicting these flood risks on flood hazard maps. The effort to identify risk levels in areas impacted by levees depends on FEMA receiving the appropriate certification data and documentation, as defined in the Code of Federal Regulations, from the proper authority. We require the submission of this “certification” information from the States, communities or individuals who own and operate the levees before we can accredit the levee with providing protection from the 1-percent-annual-chance flood. A certified levee is one that meets the certification criteria described in the Code of Regulations and the certification itself must be accomplished by either a registered professional engineer or a Federal agency with levee design and construction qualifications such as the USACE, Natural Resources Conservation Service (NRCS), Tennessee Valley Authority (TVA), U.S. Bureau of Reclamation (USBR), or International Boundary and Water Commission (IBWC). If all the necessary certification data and documentation are provided to FEMA, the FIRM can show the levee as accredited. Levee Accreditation is the process of showing the levee on a flood map as providing protection from the 1-percent-annual-chance or greater flood. The area landward of an accredited levee is shown as an “area of moderate risk” on the flood map, rather than a Special Flood Hazard Area. Moderate risk areas are the areas between the limits of the 1-percent-annual-chance flood and the 0.2-percent-annual-chance flood (500-year). Flooding is still possible in “moderate risk” areas so flood insurance is strongly recommended”; however, premiums cost less on average in moderate risk areas.

When owners/operators of uncertified levees do not provide FEMA with certification documentation, a FIRM will not show the levee as providing protection against the 1% annual flood. To do otherwise would be misleading because it would not reflect the true risk level in the areas behind uncertified levees.

As FEMA works within map modernization to assess the flood risks associated with levees, the Agency usually encounters one of the following three scenarios:

- (1) First, a FIRM shows a levee as providing one-percent-annual-chance protection and the levee owner and/or community provides the documentation required to allow the FIRM to continue showing this designation. In such cases, FEMA will continue to map the area behind the levee as an area of moderate risk. A special note will be placed on the FIRM, notifying the community of the levee’s status, the possibility of failure, and encouraging the purchase of flood insurance, although it is not required for Federal purposes. If information later surfaces indicating that the levee does not provide at least one-percent-annual-chance protection, FEMA will revise the FIRM accordingly.
- (2) Another common scenario occurs when a FIRM shows a levee as providing one-percent-annual-chance protection, but the documentation required to allow the FIRM to continue showing this designation is missing or unavailable. In these situations, if FEMA has sufficient evidence that the levee is providing one-percent-annual-chance protection, the Agency will designate the levee as “Provisionally Accredited.” This designation allows the FIRM to continue depicting the area behind the questioned levee as an area of moderate risk for an interim period of 24 months – giving levee owners time to gather and submit required data. During this interim period, a special note will be placed on the flood maps, notifying the community of the levee’s “provisional” status, the possibility of failure, and encouraging the purchase of flood insurance. If the required data is not provided within 24 months, the FIRM will be revised to reflect scenario 3 below.
- (3) A third situation arises when a FIRM shows a levee as providing one-percent-annual-chance protection to the area behind it, but evidence indicates that the levee or levee system no

longer provides such defense. For example, if a levee receives poor ratings on a recent inspection, a new FIRM will depict the area behind the levee in question as a Special Flood Hazard Area.

The Washington, DC-Potomac Park

I would now like to update the Subcommittee on the status of the Washington, D.C., Flood Insurance Rate Map.

In January, 2007, the U.S. Army Corps of Engineers Baltimore District issued letters to the National Park Service and the District of Columbia government regarding levee deficiencies in the DC-Potomac Park areas. In March, 2007, FEMA Region III issued a notification letter (addressing scenario (3) above) to Mayor Fenty, advising that FEMA had issued revised preliminary map panels.

Over the spring and summer of 2007, FEMA Region III coordinated with the National Park Service and the Corps to better delineate boundaries behind the Potomac Park levee areas and to issue a second set of revised preliminary map panels. The levee along the National Mall is on land under the jurisdiction of the National Park Service, however, the Corps has been the agency responsible for ensuring the levee provides the necessary protection against the 1% annual flood and has requested funding in the past for this purpose. By statute, FEMA provides a formal 90-day appeal period whenever Base (1-percent-annual-chance) Flood Elevations (BFEs) are proposed for a community. During the appeal period, affected property owners and other citizens in the community have the opportunity to submit technical and/or scientific data to support an appeal of the proposed BFEs. FEMA published a notice in the Federal Register on September 26th soliciting public comment. The 90-day appeal period for the revised preliminary FIRMs began on October 5, 2007. Prior to the January 3, 2008 deadline, after the preliminary maps were published in the Federal Register, the National Capitol Planning Commission (NCPC) contacted FEMA requesting additional information, expressing concern over the floodplain delineations, and suggesting that the federal agencies and the District needed a constructive, coordinated solution. NCPC also discussed the proposed floodplain maps at its January 3rd Commission meeting, a regularly scheduled public meeting and submitted comments that included technical information to District of Columbia officials and FEMA by the January 3rd deadline. Region III postponed further processing until March 26, 2008.

FEMA has and will continue to coordinate with the District of Columbia, NCPC, the National Park Service, and the U.S. Army Corps of Engineers to address outstanding issues, to develop a strategy to finalize Washington, DC's FIRMs, and to ensure the necessary measures are in place to protect against flood risks. Recently, on March 25, 2008 FEMA formally responded to a March 20, 2008 letter from the District of Columbia, further expressing their concerns surrounding this situation. FEMA's March 25 letter articulated FEMA's continued commitment to protect citizens, businesses, and institutions from the flood hazard while expressing FEMA's optimism in working together with the District of Columbia in outlining a collaborative solution for this unique situation. FEMA issued a Letter of Final Determination to the District of Columbia on March 26, 2008.

FEMA cannot accredit the Potomac Park levee as meeting the one-percent-annual-chance protection standard until it receives appropriate technical documentation indicating that meets this standard. However, once FEMA receives documentation that the Potomac Park levee complies with certification requirements, FEMA can quickly prepare a revised map for the District of Columbia that shows protection against the one-percent-annual-chance flood and reduces the Special Flood Hazard Area.

Finally, an important aspect to remember, not only for the District of Columbia, but also for the rest of the nation, is that there is a residual risk of flooding from a greater than the 100-year flood, or from a

flood that the levee is not designed to control. In addition, there are often interior drainage system deficiencies that occur during heavy rainfall events. In fact, the NCPC recognized this issue in its January 2008 “Report on Flooding and Stormwater in Washington, DC.”

Conclusion

FEMA, the Mitigation Directorate, the NFIP, and Map Mod will continue working with the Corps and our other Federal, State, and Local government partners to communicate the true and current flood risk for Americans in their homes, and their places of education, work, worship and gathering. We have both a legal and moral responsibility to depict that risk accurately and we are committed to upholding our responsibilities.

A major part of this responsibility involves examining how structures designed to contain floodwaters, such as levees, actually work and whether they will perform the way they are expected to. Recently, we have seen numerous examples of how aging infrastructure fails – with catastrophic results. We understand that our work is not always popular – some communities would rather we not examine their true risk, or that we not communicate it. But if we choose to look the other way when it comes to flood risks, the tools that people need to make decisions will not be developed; our agency will not be able to meet our mandated map production deadlines; communities will not receive data they need to make smart land-use decisions; our ability to administer the NFIP is threatened; and people living and working in higher-risk areas will have less-than-full information about the risks they face.

That said, FEMA is doing all it can to make sure that the risks in communities are properly documented and communicated. We will make sure that those with property in higher-risk areas know they are at risk and know about the financial safety net the NFIP offers them. Communities and citizens also have a role to play. Communities must admit that some areas are riskier than others to build on and live in – and leaders in those communities must take responsibility for ensuring that their citizens are safe – despite the costs. Americans must also take advantage of the numerous resources available to educate themselves about the risks they face as well as the options available to them to mitigate those risks. FEMA and the NFIP will continue to lead the Nation in this team effort. Thank you for the opportunity to testify before you today, and I will be pleased to address any questions that Members may have.